MONTANA LEGISLATIVE HISTORY

Chapter 247 1963

Bill H 302 S _____ Original bill & history 1 C

H. Committee on Affairs of Cities		S. Committee on Local Gov	
Hearing Date(s) 2-6	✓ C	Hearing Date(s) 2-20	✓ C
_____	___ C	2-26	✓ C
_____	___ C	2-27	✓ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

The next item on the agenda was the discussion of House Bill 302. Mr. Lucas explained that last session of the legislature a bill regulating city-county planning boards was passed to make possible some type of planning around theperimeter of a city. Unfortunately, too much authority was designated to some people and the Supreme Court struck it all down. This bill has been changed in several respects. The terms of office of the planning board members have been changed. The bill makes clear that the recommendations of the planning board are proposals only. A number of sections of the old law have been repealed as they inferred they were giving legislative authority to this bill.

People appearing as proponents to this bill were Mr. Thomas Joyce, Attorney from Butte; Mr. Darlington from the State Planning Board; Mr. Bennington, a member of the Chamber of Commerce from Billings; Mr. Harold Corslan, President of the Bozeman City-County Planning Board; Mr. Leary, Helena City Manager; Mr. William Course, President of the Great Falls City-County Planning Board; Mrs. John Hall, Great Falls; Carroll Henderson, Bozeman; Roy Morley, Jr., Billings Attorney; Mr. Al Klinger of the Montana Municipal League; Mr. Bob Adams; Mr. Bob Roberts, Great Falls Planning Board; Mr. Chan Ferguson, Great Falls Planning Board; Harry Marlow,City Commission, Bozeman; and Charles Hanson, City Manager, Great Falls.

Mr. Chilton, City Attorney, Helena, appeared in behalf of the police officers in asking for help for their retirement fund. Mr. Chilton said that they can not be taken in under PERS because of the type of work they do. They are covered by the Municipal Police Law. Mr. Chilton explained, in reference to House Bill 352, that the police fund would receive money comparable to that received by the fire departments at the present time. Mr. Chilton said that these funds do not come out of the General Fund. However, after some discussion it was brought out that they are only removed from the tax money before it goes into the General Fund, and would actually reduce the amount of revenue in that fund.

Mr. Beam moved that House Bill 302 DO PASS. Lucas seconded. Motion carrie

Mr. Selstad moved that House Bill 352 DO NOT PASS. Seconded. Motion Lost. Mr. Schepens then moved that House Bill 352 DO PASS as he thought that it should be fought out on the floor of the house. Motion seconded. Carried.

Mr. Selstad suggested that, if passed, this bill should have a two year limitation on it while some study is made of all the pension funds outside PERS in the State. Mr. Selstad said he would make this amendment from the floor.

Mr. Beam moved that House Bill 375 DO NOT PASS. Seconded. Carried.

Meeting adjourned.

MINUTES
COMMITTEE ON LOCAL GOVERNMENT

February 20, 1963

A meeting of the Committee on Local Government was called to order on February 20, 1963 in the Governor's Conference room by Senator Goodwin, Chairman.

There were approximately 35 guests present for the hearing on House bills 262 and 302. House Bill 262 is a bill to enable the Boards of County Commissioners to designate zoning districts and House Bill No. 302 would clarify advisory functions and jurisdiction of city planning boards and city-county planning boards.

Representative Lucas outlined the important points of these bills and explained some of the changes that these bills would make to the present system of planning boards.

Mr. Tom Joyce, the attorney representing the state planning boards, explained the problems faced by these planning boards as illustrated by the "High Ball" case. He stated the House Bill No. 302 deleted all references that refer to the planning boards as being a third branch of government. He further explained that this bill provides that if 40% of the owners of taxable property protest the zoning in their area, that the board shall not adopt the resolution and notfurther zoning resolutions shall be proposed for the district for a period of one year.

Mr. Everett Darlington, Assistant Director of the State Planning Board, was present as a proponent of these bills. He pointed out that the various boards throughout the state have already invested about $100,000.00 in the operation of their planning boards.

Mr. Bruce Sheldon of Great Falls, read a statement by the Chamber of Commerce group in his town actively endorsing the passage of these bills.

Mr. Harold Carsmer of Bozeman stated that he was the city-county planning board member and wished the committee to know that his county had spent over $20,000 to date. He also brought to the attention of the committee that there were three county commissioners present with him. Mr. Ralph Acre introduced himself as one of the three.

Other proponents of these bills present were: W. J. Binnington of the Billings Chamber of Commerce; Joe Campeau, Chairman of the city planning board of Helena; Clarence Rough, member of the city-county planning board of Yellowstone County; W. J. Leary, city manager of Helena and member of the Montana Municipal League; W. C. Coors, President of the Great Falls city planning

board; Fred Harrington, member of the Great Falls city planning board; Chan Fergason, Vice Chairman of the Great Falls planning board;

Mr. Robert Emmens, Attorney from Great Falls, led the discussion for the opponents. He stated that in Section 5, subsection 6 of House Bill No. 262, it should read that if owners of sixty (60) percent of the taxable valuation of the real property should sig a petition, then a tax district could be zoned. He doesn't feel that the people should have to protest action, but rather they should desire it. He further stated that House Bill No. 302 giv the people no voice in zoning. Mr. Emmens then called attention to the validating act in bill 302.

Other opponents of the bills present were: Mr. Earl Hasbrow, Great Falls; Mr. John Starzic, City Councilman and former member of the planning board; Mrs. John Vantegen, Great Falls; Mr. Vern Hall, land owner from Great Falls;

Mr. Joyce and Mr. Emmens were then given time for rebuttal by Chairman Goodwin and then the Chairman opened the bills to questions by the committee.

Meeting adjorned.

February 26, 1963

A special meeting of the Committee on Local Government was called to order in room 423 on February 26, 1963 by Senator Goodwin, Chairman. Roll call was taken and a quorum was present.

Senator Goodwin proposed that, by way of compromise, they change the percentages from 40% to 50% and then decide whether the bill should read property owners or free holders. These changes pertain to House Bill 262 and 302.

Mr. Joyce said he would agree to 40% of the freeholders.

Senator Nees expressed the opinion that the people that actuall live in the district should have the say and Senator DeWolfe agreed.

Mr. Emmens felt that he could agree to change the bills to r ead that the people who wished the zoning could get 60% to sign and therefore could impose their will on 40%.

Mr. Joyce challenged him by stating that the way the bill was drafted, this change would impar the effectiveness of this bill

Senator Goodwin stated that the time was coming when people wil have to move into urban areas and people need to be encouraged set up these districts. He suggested that the six mile limit be reduced to three miles and the suggestion seemed to be adopt

All points of the bill were agreed upon except the item of percentages. Senator Goodwin suggested that the two sides get together and submit amendments for all but the above mentioned problem of percentages. He said the committee itself would debate that problem.

APPROVED:

Goodwin

Senator Goodwin, Chairman

February 27, 1963

meeting of the committee on Local Government was called to orde
n room 402 on February 27, 1963 by Senator Goodwin, Chairman.
oll call was taken and a quorum was present.

enator Goodwin explained the meeting of February 26th to the
embers which were unable to attend.

enator McKay moved to AMEND House Bill No. 302 as per the attach
heet. Senator McKenna seconded the motion and it was carried.

enator McKay moved to amend House Bill No. 262 in Section 5 (6)
f House Bill No. 262 by deleting in lines 29 and 30, page 4 of t
riginal bill, being line 37½ page 5 of the printed bill, the
ollowing words and figures: "owhers of forty (40) percent of th
axable valuation of the real property" and inserting in lieu the
he words and figures: "thirty-five (35) percent of the freeholde
he motion was seconded by Senator Anderson and carried.

enator McKay further moved that House Bill No. 302 BE CONCURRED
S AMENDED. The motion was seconded by Senator McKenna and carri

enator McKay then moved that House Bill No. 262 BE CONCURRED IN
S AMENDED. Senator McKenna seconded the motion and it was carri

February 27, 1963

MR. PRESIDENT:

We, your Committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 302
A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE ADVISORY FUNCTIONS AND JURISDICTION OF CITY PLANNING BOARDS AND CITY-COUNTY PLANNING BOARDS UNDER PROVISIONS OF TITLE 11, CHAPTER 38, R.C.M. 1947, BY AMENDING SECTIONS 11-3801, 11-3803, 11-3808, 11-3810, 11-3813, 11-3818, 11-3820, 11-3824, 11-3825, 11-3828, 11-3830, 11-3831, 11-3833, 11-3834, 11-3840, 11-3842, 11-3843, 11-3844, 11-3845, 11-3846, 11-3847, 11-3848, 11-3851, AND 11-3855, R.C.M. 1947; BY ADOPTING A SAVING CLAUSE; AND BY REPEALING SECTIONS 11-3832, 11-3835, 11-3836, 11-3837, 11-3838, 11-3839, 11-3852, 11-3854, 11-3856, 11-3857 AND 11-3858, R.C.M. 1947."

Respectfully report as follows: That House Bill No. 302

be amended as follows:

Amend Section 3 of House Bill No. 302 by deleting in line 14, page 3 of the original bill, being line 7, page 4 of the printed bill, the word "taxpayers" and inserting in lieu thereof the word "freeholders".

amend Section 4 (d) of House Bill 302 in line 31, page 3 of the original bill, being line 17, page 4 of the printed bill, after the words "county commissioners" the following sentence: "The three (3) members must reside outside the city limits but within the jurisdictional area of the planning board."

amend Section 9 (2) of House Bill No. 302 in line 23, page 6 of the original bill, being line 13, page 8 of the printed bill, by deleting in line 13 the word "shall" and inserting in lieu thereof the word "may".

amend Section 11 (1) of House Bill No. 302 in line 17, page 8 of the original bil , being line 13, page 10 of the printed bill, by deleting in line 13 the words and figures "six (6)" and inserting in lieu thereof the words "three (3)".

amend Section 16 (2) of House Bill No. 302 in line 27, page 12 of the original bill, being line 17, page 15 of the printed bill, by inserting after the word "plat" and before the word "shall" the following words: "involving lands within the corporate limits of the city and covered by said master plan".

DO PASS.

(continued)

amend Section 17 of House Bill No. 302 in line 8, page 13 of the original bill, being line 4, page 16 of the printed bill, by inserting after the word "plat" and before the word "shall" the following words: "involving lands within the corporate limits of the city ar covered by said master plan".

amend Section 21 of House Bill No. 302 in line 19, page 14 of the original bill, being line 6, page 18 of the printed bill, by inserting after the word "application" the following sentence: "These fees shall be credited to a fund established by the governing bodi for the planning board."

AS SO AMENDED, BE CONCURRED IN

February 8, 19 63

MR. SPEAKER:

We, your Committee on AFFAIRS OF CITIES

having had under consideration HOUSE Bill No. 302

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE ADVISORY FUNCTIONS AND JURISDICTION OF CITY PLANNING BOARDS AND CITY-COUNTY PLANNING BOARDS UNDER PROVISIONS OF TITLE 11, CHAPTER 38, R. C. M. 1947, BY AMENDING SECTIONS 11,3801, 11-3803, 11-3808, 11-3810, 11-3813, 11-3818, 11-3820, 11-3824, 11-3825, 11-3828, 11-3830, 11-3831, 11-3833, 11-3834, 11-3840, 11-3842, 11-3843, 11-3844, 11-3845, 11-3846, 11-3847, 11-3848, 11-3851, AND 11-3855, R. C. M. 1947; BY ADOPTING A SAVING CLAUSE; AND BY REPEALING SECTIONS 11-3832, 11-3835, 11-3836, 11-3837, 11-3838, 11-3839, 11-3852, 11-3854, 11-3856, 11-3857 and 11-3858, R. C. M. 1947."

Respectfully report as follows: That HOUSE Bill No. 302

1963
HOUSE
AFFAIRS OF CITIES
Film #81

1963

HOUSE COMMITTEES
Status of Bills

	Number	House Committee	House Sub-Committee	Sub-Comm. Chairmen	Re-referred	Recommended DO PASS	DO PASS as amended	Killed - Committee	Substitute Bill	Printing	General Orders	Third Reading
House Bill												
House Bill	17	Cities						✓				
House Bill	17	Cities				✓						
House Bill	18	Cities						✓				
House Bill	18	Cities				✓						
House Bill	49	Cities					✓					
House Bill	50	Cities				✓						
House Bill	106	Cities				✓						
House Bill	118	Cities				✓						
House Bill	185	Cities				✓						
House Bill	186	Cities				✓						
House Bill	197	Cities					✓					
House Bill	240	Cities				✓						
House Bill	271	Cities				✓						
House Bill	302	Cities				✓						
House Bill	328	Cities				✓						
House Bill	349	Cities					✓					
House Bill	352	Cities				✓						
House Bill	370	Cities						✓				
House Bill	375	Cities						✓				
House Bill	399	Cities						✓				
House Bill												
House Bill												
House Bill												

Excepted uses.

Section 10. No resolution, rule or regulation adopted pursuant to the provisions of this act shall prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

Severability.

Section 11. The provisions of this act shall be severable and, if any of its sections, provisions, exceptions, clauses or parts be held unconstitutional or void, the remainder of this act shall continue in full force and effect.

Repealing clause.

Section 12. Sections 11-2710, 11-3852 and 11-3854, R. C. M. 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1963.

CHAPTER 247

An Act to Clarify the Advisory Functions and Jurisdiction of City Planning Boards and City-County Planning Boards Under Provisions of Title 11, Chapter 38, R. C. M. 1947, by Amending Sections 11-3801, 11-3803, 11-3808, 11-3810, 11-3813, 11-3818, 11-3820, 11-3824, 11-3825, 11-3828, 11-3830, 11-3831, 11-3833, 11-3834, 11-3840, 11-3842, 11-3843, 11-3844, 11-3845, 11-3846, 11-3847, 11-3848, 11-3851, and 11-3855, R. C. M. 1947; by Adopting a Saving Clause; and by Repealing Sections 11-3832, 11-3835, 11-3836, 11-3837, 11-3838, 11-3839, 11-3852, 11-3854, 11-3856, 11-3857 and 11-3858, R. C. M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 11-3801, R. C. M. 1947, is amended to read as follows:

City governing body may create planning board—purposes.

"11-3801. **City planning boards or city-county planning boards authorized—purpose of act.** The governing body of any city or the governing bodies of any two or more cities and the county in which such city or cities are located jointly may create a planning board in order to promote the orderly development of its governmental units and its environs. It is the object of this legislation to encourage local units of government to improve the present health, safety, convenience, and welfare of their

citizens and to plan for the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds.

Advisory capacity.

In accomplishing this objective, it is the intent of this legislation that the planning board shall serve in an advisory capacity to presently established boards and officials."

Amending clause.

Section 2. Section 11-3803, R. C. M. 1947, is amended to read as follows:

Definitions.

"11-3803. **Definitions.** As used in this act:

"City."

1. 'City' includes incorporated cities and towns.

"City council."

2. 'City council' means the chief legislative body of a city or incorporated town.

"Planning board."

3. 'Planning board' means a city planning board or a joint city-county planning board.

"Master plan."

4. 'Master plan' means a *comprehensive development* plan or any of its parts such as *a* plan of land use and zoning, of thoroughfares, of sanitation, of recreation, and other related matters. *The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.*

"Public place."

5. 'Public place' means any tract owned by the state or its subdivisions.

"Mayor."

6. 'Mayor' means mayor of a city.

"Streets."

7. 'Streets' includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.

"Units of government."

8. 'Units of government' means any federal, state, regional, county, city or town.

"Utility."

9. 'Utility' means any facility used in rendering service which the public has a right to demand.

"Person." 10. 'Person' means individual firm, or corporation.

"Governing body." 11. 'Governing body or governing bodies' means the governing body of any governmental unit represented on a planning board."

"Plat." *12. 'Plat' means a subdivision of land into lots, streets and areas, marked upon the earth and represented on paper; and includes re-plats or amended plats.*

Amending clause. Section 3. Section 11-3808, R. C. M. 1947, is amended to read as follows:

Qualifications of members. "11-3808. **Citizen members—qualifications.** The citizen members shall be qualified by knowledge and experience in matters pertaining to the development of the city and shall hold no other office in the city government and shall be resident *freeholders* of such city *or jurisdictional area as defined in section 11-3830, R. C. M. 1947.*"

Amending clause. Section 4. Section 11-3810, R. C. M. 1947, is amended to read as follows:

Nine members—appointment. "11-3810. **City-county planning boards — members — term of officer members.** *1.* A city-county planning board shall consist of not less than nine (9) members to be appointed as follows:

a. Two (2) official members to be appointed by the board of county commissioners who may in the discretion of the board of county commissioners be employed by or hold public office in the county.

b. Two (2) official members to be appointed by the city council who may in the discretion of the city council be employed by or hold public office in the city.

c. Two (2) citizen members to be appointed by the mayor of the city.

d. Three (3) citizen members to be appointed by the board of county commissioners. *The three (3) members must reside outside the city limits but within the jurisdictional area of the planning board.*"

Terms of office. *2.* The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed; the terms of the other

members shall be *two (2)* years, except *that* the terms of the first members appointed *shall* be fixed by agreement and rule of the governing bodies represented on the board for one (1) *or two (2)* years in order *that* a minimum number of terms *shall expire* in any year."

Amending clause. Section 5. Section 11-3813, R. C. M. 1947, is amended to read as follows:

Removal. "11-3813. **Removal of citizen appointee.** Any citizen appointee may be removed from office by a majority vote of the governing body of the governmental unit represented by such appointee."

Amending clause. Section 6. Section 11-3818, R. C. M. 1947, is amended to read as follows:

Quorum—official action. "11-3818. **Quorum—official action.** A majority of members shall constitute a quorum; no action of the planning board is official, however, unless authorized by a majority of *members of* the board at a regular or properly called special meeting."

Amending clause. Section 7. Section 11-3820, R. C. M. 1947, is amended to read as follows:

Board may pay expenses of attending conferences. "11-3820. **Expenses while attending conferences in another city, county, or state.** When the planning board determines that it is necessary for members or employees to attend, in another city, county or state a regional or national conference or interview dealing with planning or related problems, the *planning board* may pay the actual expenses of the attending members or employee provided the amount has been made available in the board's appropriation."

Amending clause. Section 8. Section 11-3824, R. C. M. 1947, is amended to read as follows:

Powers and duties of board. "11-3824. **Powers and duties.** To effectuate the purpose of this act, the board shall have the power and duty to:

Administration. 1. Exercise general supervision of and make regulations for the administration of the affairs of the board.

Uniform rules. 2. Prescribe uniform rules pertaining to investigations and hearings.

Supervision. 3. Supervise the fiscal affairs and responsibilities of the board.

Employees. 4. Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the board, and delegate to employees authority to perform ministerial acts in all cases except where final action of the board is necessary.

Records. 5. To keep an accurate and complete record of all departmental proceedings; record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the board.

Recommendations. 6. Make recommendations and an annual report *to any governing bodies* represented on the board concerning the operation of the board and the status of planning within its jurisdiction.

Proposals. 7. Prepare, publish, and distribute reports, *proposed* ordinances *and proposed resolutions* and other material relating to the activities authorized under this act.

Annual budget. 8. Prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county governments and shall be limited in all expenditures to the provisions made therefor by the governing bodies represented upon the board."

Amending clause. Section 9. Section 11-3825, R. C. M. 1947, is amended to read as follows:

Appropriation. "11-3825. **Funds for operation—tax levy authority.** *1.* After a city council has by ordinance or a city council and board of county commissioners have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.

Proportion of expenditure. *2.* When a planning board has been created by agreement of more than one (1) governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and *may* budget and appropriate the funds necessary for the respective shares thus agreed upon.

Levy. *3.* The governing body of any city or town represented upon a planning board may levy a tax upon the property located within such city or town not to exceed *one (1)* mill for planning board purposes, *under procedures set forth in title 11, chapter 14, R. C. M. 1947.*

Planning district—levy. *4.* When a city-county planning board has been established, the board of county commissioners may create a planning district which shall include that property within the *jurisdictional area* as *established pursuant to* section 11-3830, *which lies* outside the limits of *any* incorporated cities and towns; and the board of county commissioners may levy on all property located within such planning district a tax not *to exceed one (1)* mill for planning board purposes, *under procedures set forth in title 16, chapter 19, R. C. M. 1947.*"

Amending clause. Section 10. Section 11-3828, R. C. M. 1947, is amended to read as follows:

Master plan. "11-3828. **Master plan—policies.**

1. To assure the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of *community* development, the planning board shall prepare a master plan *and* shall serve in an advisory capacity to the local governing bodies establishing *the* planning board.

Proposals. *2. The planning board* may also *propose* policies for:

a. subdivision plats

*b. t*he development of public ways, public places, public structures, and public and private utilities.

*c. t*he issuance of improvement location permits on platted and unplatted lands.

*d. t*he laying out and development of public ways and services to platted and unplatted lands."

Council may require board to function as zoning commission. *3. The city council may in its discretion require the city-county planning board to function as the zoning commission authorized under section 11-2706, R. C. M. 1947.*

Recommendations. *4. The governing bodies of the city or county shall give consideration to recommendations of the city-county planning board but the governing bodies shall not be bound by such recommendations.*

Amending clause.

Section 11. Section 11-3830, R. C. M. 1947, is amended to read as follows:

"11-3830. *Jurisdictional area.*

Jurisdictional area shall be established by resolution.

1. The governing bodies represented on a city-county planning board shall by separate resolutions establish the jurisdictional area of the planning board. The jurisdictional area shall include the area within the incorporated limits of the city and such contiguous unincorporated area outside the city as, in the judgment of the *respective governing bodies,* bears reasonable relation to the development of the city. *The jurisdictional area shall not extend more than four and one-half (4½) miles beyond the limits of any city within the jurisdictional area.*

Limitation.

Maps—filing with county clerk.

2. The planning board, after approval *of the jurisdictional area* by the *governing bodies,* shall file in the office of the clerk and recorder a map showing the boundaries of *the jurisdictional* area. *The* boundaries may be revised from time to time by *resolutions of the governing bodies.* Such revised boundaries shall be shown upon a map which shall be filed as provided *in this section.* The area included in such map shall constitute the area over which the planning board shall have *advisory* jurisdiction.

Disputed boundaries—determination.

3. In case an unincorporated area is within the potential jurisdiction of more than one planning board, then the boundary between the conflicting areas shall be determined by agreement between the planning boards involved, with the approval of their respective governing bodies, and a map showing the boundary lines so agreed upon and approved shall be filed as *provided in this section,* and thereafter shall fix the limit of territorial jurisdiction *of* the respective planning boards.

Amending clause.

Section 12. Section 11-3831, R. C. M. 1947, is amended to read as follows:

Contents of master plan enumerated.

"11-3831. **Master plan—contents.** *The planning board shall prepare and propose a* master plan *for the jurisdictional area, which plan* may include;

1. Careful and comprehensive surveys and studies of existing conditions and the probable future growth of the city and its environs or of the county.

2. Maps, plats, charts, and descriptive material pre-

senting basic information, locations, extent and character of any of the following:

a. History, population, and physical site conditions;

b. Land use, including the height, area, bulk, location and use of private and public structures and premises;

c. Population densities;

d. Community centers and neighborhood units;

e. Blighted and slum areas;

f. Streets and highways, including bridges, viaducts, subways, park-ways, alleys, and other public ways and places;

g. Sewers, sanitation, and drainage, including handling, treatment, and disposal of excess drainage waters, sewage, garbage, refuse, and other wastes;

h. Flood control and prevention;

i. Public and private utilities, including water, light, heat, communication, and other services;

j. Transportation, including rail, bus, truck, air, and water transport, and their terminal facilities;

k. Local mass transit, including motor and trolley bus, street, elevated or underground railways, and taxicabs:

l. Parks and recreation, including parks, playgrounds, reservations, forests, wild life refuges, and other public grounds, spaces, and facilities of a recreational nature;

m. Public buildings and institutions, including governmental administration and service buildings, hospitals, infirmaries, clinics, penal and correctional institutions, and other civic and social service buildings;

n. Education, including location and extent of schools, colleges, and universities;

o. Land utilization, including areas for manufacturing, and industrial uses, concentration of wholesale, retail business, and other commercial uses, residential, and areas for mixed uses;

p. Conservation of water, soil, agricultural, and mineral resources;

q. Any other factors which are a part of the physical, economic, or social situation within the city or county.

3. Reports, maps, charts, and recommendations setting forth plans for the development, redevelopment, improvement, extension, and revision of the subjects and physical situations of the city or county set out in part 2 of this section so as to substantially accomplish the object of this legislation as set out in section 11-3801.

4. A long-range development program of public works' projects, based on the recommended plans of the planning board, for the purpose of eliminating unplanned, unsightly, untimely, and extravagant projects and with a view to stabilizing industry and employment, and the keeping of such program up-to-date, for all separate taxing units within the city or county, respectively, for the purpose of assuring efficient and economic use of public funds."

Amending clause.

Section 13. Section 11-3833, R. C. M. 1947, is amended to read as follows:

"11-3833. **Notice of hearing prior to adoption of master plan.**

Notice of hearing—proposed plan.

1. Prior to the *submission* of *the proposed* master plan *to the governing bodies,* the board shall give notice and hold a public hearing on the plan.

Publication.

2. At least ten (10) days prior to the date set for hearing, the board shall publish in a newspaper of general circulation in the *jurisdictional* area a notice of the time and place of the hearing."

Amending clause.

Section 14. Section 11-3834, R. C. M. 1947, is amended to read as follows:

Adoption of master plan—resolutions.

"11-3834. **Resolution adopting master plan and recommending ordinance.** After *consideration of the recommendations and suggestions elicited at the* public hearing, the *planning* board *shall* by resolution *recommend* the *proposed* master plan and *any proposed* ordinances and resolutions *for its implementation* to the governing bodies of the governmental units represented on the board."

Amending clause.

Section 15. Section 11-3840, R. C. M. 1947, is amended to read as follows:

Governing bodies—consideration of master plan.

"Section 11-3840. *Adoption of master plan*—**policy and pattern of development.** *The governing bodies shall adopt, revise or reject such proposed plan or any of its parts.* After adoption of the master plan the city council, the board of county commissioners, or other governing body within the territorial jurisdiction of the board shall be guided by and give consideration to the general policy and pattern of development set out in the master plan in the:

1. Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

2. Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;

3. Adoption of subdivision controls;

4. Adoption of zoning ordinances or resolutions."

Amending clause.

Section 16. Section 11-3842, R. C. M. 1947, is amended to read as follows:

"11-3842. **Plats of subdivisions—approval by planning board.**

Council may require plats to conform.

1. Where a master plan has been approved, the city council may by ordinance require subdivision plats to conform to the provisions of the master plan. Certified copies of such ordinance shall be filed with the city or town clerk and with the county clerk and recorder of the county.

Compliance—approval.

2. Thereafter a plat involving lands within the corporate limits of the city and covered by said master plan shall not be filed without first presenting it to the planning board which shall make a report to the city council advising as to compliance or noncompliance of the plat with the master plan. The city council shall have the final authority to approve the filing of such plat.

Powers not limited.

3. Nothing herein contained shall be interpreted to *limit* the present powers of the city or county governments, but shall *be* an additional requirement before any plat may be filed of record or entitled to be recorded."

Amending clause.

Section 17. Section 11-3843, R. C. M. 1947, is amended to read as follows:

"11-3843. **Application for approval of plat.**

Application for certificate of approval.

1. A person desiring the approval of a plat *involving lands within the corporate limits of the city and covered by said master plan* shall submit a written application for a certificate together with a copy of the proposed plat to the planning board having jurisdiction.

Hearing—notice.

2. When the board tentatively finds that the application conforms to the requirements of the master plan or subdivision ordinance, it shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat."

Amending clause.

Section 18. Section 11-3844, R. C. M. 1947, is amended to read as follows:

Determination of approval—provisions of plat.

"11-3844. **Determination of whether application for approval should be granted.** In determining whether an application for approval shall be *recommended,* the board shall determine if the plat provides for:

1. Coordination of subdivision streets with existing and planned streets or highways.

2. Coordination with an extension of facilities included in the master plan.

3. Establishment of minimum width, depth, and area of lots within the projected subdivision.

4. Fair allocations of areas for streets, parks, and utilities."

Amending clause.

Section 19. Section 11-3845, R. C. M. 1947, is amended to read as follows:

Planning board shall adopt procedures.

"11-3845. **Regulations governing procedure for application or approval of plats.** The planning board shall adopt and publish written regulations governing the procedure for application *for* approval of plats of the lands within its *advisory* jurisdiction."

Amending clause.

Section 20. Section 11-3846, R. C. M. 1947, is amended to read as follows:

Board shall recommend to city council.

"11-3846. **Approval or disapproval of application** *for* **plat.** After hearing and within forty-five (45) days after application for approval of the plat, the board shall *recommend approval or disapproval to the city council.* If the

board *recommends disapproval,* it shall set forth its reasons in *a communication to the city council* and provide the applicant with a copy."

Amending clause.

Section 21. Section 11-3847, R. C. M. 1947, is amended to read as follows:

Fees—deposit in fund for planning board.

"11-3847. **Fees.** The *city council shall* establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed plats. An applicant shall pay the specified fee at the time of filing his application. *These fees shall be credited to a fund established by the governing bodies for the planning board.*"

Amending clause.

Section 22. Section 11-3848, R. C. M. 1947, is amended to read as follows:

Recording unapproved plat of no effect.

"11-3848. **Filing and recording of plat involving lands covered by master plan and ordinance without effect unless approved by** *city council.* After a master plan and an ordinance containing provisions for subdivision control and the approval of plats have been adopted and a certified copy of the ordinance has been filed with the county clerk and recorder, the filing and recording of a plat involving lands *within the corporate limits of the city and* covered by such master plan and ordinance shall be without legal effect unless approved by the *city council.*"

Amending clause.

Section 23. Section 11-3851, R. C. M. 1947, is amended to read as follows:

Appeal to district court—application for writ of certiorari.

"11-3851. **Appeals.** A decision of *a city council rejecting a proposed subdivision plat* may be *reviewed by the district court upon application for a writ of certiorari. The application* shall specify the grounds upon which *it* alleges the illegality of the action *of the city council.*"

Amending clause.

Section 24. Section 11-3855, R. C. M. 1947, is amended to read as follows:

Validation clause.

"11-3855. **Validation of prior zoning ordinances, rules and regulations.** All zoning ordinances *or resolutions* and rules and regulations and all amendments, supplements, and changes thereto legally adopted under any prior enabling act and all actions taken under the authority of any such ordinances *or resolutions,* are hereby validated and continued in effect, until amended or repealed by action of the *governing bodies* taken under the authority of this act."

Saving clause.

Section 25. **Saving clause.** This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

Repealing clause.

Section 26. Sections 11-3832, 11-3835, 11-3836, 11-3837, 11-3838, 11-3839, 11-3854, 11-3856, 11-3857, and 11-3858, R. C. M. 1947 are repealed.

Approved March 11, 1963.

CHAPTER NO. 248

An Act Relating to Group Life and Health Insurance for State Officers and Employees and Providing for Payroll Deductions.

Be it enacted by the Legislative Assembly of the State of Montana:

Group insurance plan for state agencies authorized.

Section 1. All departments, bureaus, boards, commissions and agencies of the State of Montana are hereby authorized upon approval by a two-thirds (2/3) vote of the officers and employees of such departments, bureaus, boards, commissions and agencies to enter into group hospitalization, medical, health, accident and/or group life insurance contracts or plans for the benefit of their officers, employees and their dependents. The premiums required from time to time to maintain such insurance in force shall be paid by the insured officers and employees, and the auditor shall deduct said premiums from the salary or wages of each officer or employee who elects to become insured, on the officer or employee's written order, and issue his warrant therefor to the insurer. For the purpose of this act, the plans of health service corporations for defraying or assuming the cost of professional services of licentiates in the field of health, or the services of hospitals, clinics or sanitariums, or both professional and hospital services, shall be construed as group insurance, and the dues payable under such plans shall be construed as premiums therefor.

Payment of premiums.

Construction—existing plans.

Effective immediately.

Section 2. This act shall become effective upon its passage and approval.

Approved March 11, 1963.

CHAPTER NO. 249

An Act Amending Section 44-213, Revised Codes of Montana, 1947, to Allow City and County Governments to Contract With the State Board of Education of Montana to Establish Joint or Regional Libraries; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 44-213 of the Revised Codes of Montana, 1947, is amended to read as follows:

Governmental units may participate in joint county or regional library.

"44-213. Participation of other governmental units. When a joint county or regional library shall have been established, the legislative body of any government unit therein that is maintaining a library may decide, with the concurrence of the board of trustees of its library, to participate in the joint county or regional library; after which, beginning with the next fiscal year of the county, the governmental unit shall participate in the joint county or regional library and its residents shall be entitled to the benefits of the joint county or regional library, and property within its boundaries shall be subject to taxation for joint county or regional library purposes. A governmental unit participating in the joint county or regional library may retain title to its own property, continue its own board of library trustees, and may levy its own taxes for library purposes; or, by a majority vote of the qualified electors, a governmental unit may transfer, conditionally or otherwise, the ownership and control of its library, with all or any part of its property, to another governmental unit which is providing or will provide free library service in the territory of the former, and the trustees or body making the transfer shall thereafter be relieved of responsibility pertaining to the property transferred. *The state board of education may contract with the government of any city or county, or the governments of both the city and the county, in which a unit of the university of Montana is located for the establishment and operation of joint library facilities. Any such contract which proposes the erection of a building shall be subject to the approval of the legislature. Any joint library facilities established pursuant to this section shall be operated and supported as provided in such contract and under this chapter.*"

Retention of title to property.

Transfer.

State board of education may contract for joint library facilities.